IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 15 OF 2006.

Ganpat Ramchandra Choudhari
(since deceased through LRs.)
Nivruti Ganpat Choudhari & ors. ... Appellants.
Versus.
Rajyu Shivram Jundre & others. ... Respondents.

Shri R.V.More for the Appellants.

Shri Kishore Patil for the Respondents Nos.1 to 7.

CORAM : ABHAY S.OKA, J.

DATED : 14th August, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. After arguing the appeal on merits, Shri More, the learned Counsel for the Appellants states that if longer time to vacate the suit premises is granted considering the long standing possession of the Appellants, he has instructions from the Appellants not to press the Appeal on merits. The learned Counsel for the Respondents states that only by way of indulgence maximum time of three years may be granted to vacate the suit premises.

2. I have considered the submissions. The Appellants have stated that if longer time is granted to vacate the suit premises, they will not press the Appeal on merits. Considering the fact that the Appellants are in possession of the suit property for fairly long time, longer time to vacate deserves to be granted subject to the Appellants filing usual undertaking in this Court.

3. Hence the following order is passed:

i) Second Appeal is dismissed as not pressed.

ii) Decree for possession shall not be executed till 30th October 2010 subject to the Appellants filing an undertaking in this Court within a period of 3 weeks from today stating therein that they will vacate the suit premises within the aforesaid time fixed by this Court and will hand over vacant and peaceful possession thereof to the original Plaintiffs and will not part with possession thereof in favour of any third party.

iii) If the undertaking as aforesaid is not filed by the Appellants within the stipulated time of three weeks, the decree for possession will become executable forthwith.

iv) The parties to act on an authenticated copy of this order.

Judge.